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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,070	06/27/2001	Bobby Joe Caine	CON-1032US(COP-09322.0-00	4243

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EXAMINER

RHODE JR, ROBERT E

ART UNIT PAPER NUMBER

3625

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/893,070

Applicant(s)

CAINE, BOBBY JOE

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 6 and 13 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 6 and 13 - 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant amendment of 11-30-05 provided new drawings and traversed rejections of Claims 1 – 6 and 13 -20 as well as canceled claims 7 – 12.

Currently, claims 1 – 6 and 13 - 20 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4 – 6, 13 - 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorham (US 2002/0005866 A1) in view of Chui (US 5,841,473).**

Regarding claim 1 and related claim 13, Gorham teaches a method of manufacturing a computer readable medium for marketing of geophysical seismic data, the method comprising the steps of:

linking each of said compressed seismic data files to a respective one of a plurality of surface seismic data lines, wherein selection of one of said surface seismic data lines from a map displayed by a computer system causes a geophysical image

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corresponding to said receptive one of said compressed seismic data files to be displayed (see at least Para 0005, 0007, 0030, 0034, 0035 and 0038).

Please note that the type of stored data such as "seismic data" is considered to be non-functional descriptive material and is given little patentable weight (MPEP 2106). The phrase(s) and or word(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from Gorham. Thereby, the non-fictional descriptive material is directed only to the content of the data (. i.e. seismic data - which is stored data) and does not affect either the structure or method/process of Gorham, which leaves the method and system unchanged. Moreover, the storing of data regardless of content was old and well known at the time of the applicant's invention and therefore one of ordinary skill would have been motivated to store their data/information after each use. In that manner, the user does not have to recreate the data/information each time, which will improve productivity.

While Gorham does disclose a jpeg, the reference does not specifically disclose a method and article of converting data in a plurality of full seismic data files from a vector format to a computer graphic format to create a plurality of corresponding graphic image; compressing of graphic images (jpeg).

On the other hand and in the same area of images, Chui teaches a method and article of converting data in a plurality of full seismic data files from a vector format to a

computer graphic format to create a plurality of corresponding graphic image;  
compressing of graphic images (jpeg) [see at least Col 1, lines 9 – 67 and Col 2, lines 1  
– 8 and Figures 5a and b).

It would have been obvious to one of ordinary skill in the art to have provided the method and article of Gorham with the article and method of Chui to have enabled a method and article for a of manufacturing a computer readable medium for marketing of geophysical seismic data as recited in claim 13. Gorham discloses a method and article manufacturing a computer readable medium for marketing of geophysical seismic data, the method comprising the steps of; linking each of said compressed seismic data files to a respective one of a plurality of surface seismic data lines, wherein selection of one of said surface seismic data lines from a map displayed by a computer system causes a geophysical image corresponding to said receptive one of said compressed seismic data tiles to be displayed (see at least Para 0005, 0007, 0030). In turn, Chui discloses a method and article for converting data in a plurality of full seismic data files from a vector format to a computer graphic format to create a plurality of corresponding graphic image; compressing of graphic images (jpeg) [see at least Col 1, lines 9 – 67 and Col 2, lines 1 – 8 and Figures 5a and b). Therefore, one of ordinary skill in the art would have been motivated to extend the method and article of Gorham with a method and article for converting data in a plurality of full seismic data files from a vector format to a computer graphic format to create a plurality of corresponding graphic image; compressing of graphic images (jpeg). In this manner, the user will be able to ensure

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that the files when queried will be associated with the correct file and thereby eliminate any possible confusing that could be caused by retrieving an incorrect file as well as ensuing correct displaying of geographic information such as a map of a state.

Regarding claim 4 and related claims 5 and 20, Gorham teaches an article of manufacture, wherein said references are respectively embedded in said compressed seismic data files and are visible in said corresponding geophysical display (Para 0005).

Regarding claim 6 and related claim 17, Chui teaches a method and article of manufacture, wherein each of said plurality of compressed seismic data files m created from corresponding ones of said full seismic data files using a lossy compression technique and (claim 14) wherein said step of compressing is repeated until said compressed seismic data file is within a predetermined size and (claim 16), wherein said compressed seismic data file is in a Joint Photographic Experts Group (JPEG) format (Col 1, lines 40 – 67 and Col 2 lines 1 – 10). Moreover, these compression techniques were old and well known at the time of the applicant's invention and thereby they would have been motivated to apply these old and well-known compression techniques to preclude excessive large storage, processing and communication capabilities.

**Claims 2, 3, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gorham and Chui as applied to claims 1**

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**and 13 above, and further in view of screen shots of ESRI.com captured via the WayBackMachine (archieve.org) and hereafter referred to as “ESRI”.**

The combination of Gorham and Chui disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer.

On the other hand and regarding claim 2 and related claim 18, ESRI teaches an article and method of manufacture, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card (Page 26).

Regarding claim 3, ESRI teaches an article of manufacture, wherein said

medium is fixed within a computer system and adapted to receive said files from another computer (Page 16 and 46 - 50).

Regarding claim 19, ESRI teaches a method, wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer (Pages 38 - 60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Gorham and Chui with the article and method of ESRI to have enabled a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer (see at least Pages 9 – 12). The combination of Gorham and Chui disclose an article and method of manufacturing a computer readable medium for marketing of geophysical seismic data. In turn, ESRI disclose a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a



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micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer (see at least Pages 9 – 12 and 38 - 45). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Gorham and Chui with a method, wherein said medium is a removable medium selected from the group consisting of: a compact disk (CD); a digital versatile disk (DVD), a magneto-optical (MO) disk; a magnetic tape; a magnetic disk; a micro drive; and a compact flash card and wherein said medium is fixed within a computer system and adapted to receive said files from another computer as well as wherein said step of storing comprises transmitting said compressed seismic data files, said references, and said map via a computer network for storage in a fixed medium associated with a broker computer.

### ***Response to Arguments***

Applicant's arguments, filed 11-30-05, with respect to the rejection(s) of claim(s) 1-6 and 13 -20 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gorham and Chui.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art includes Jones (US 4,558,438), which discloses displaying geophysical information and Bouve (US 6,415,291 B2), which discloses drill down capability of geographic informational maps as well as "Combining GIS and Web simplifies access to corporate data"; Knut-Olav Fjell; Oil & Gas Journal; Aug 30, 1999, which discloses linking of geographic maps and associated data and Nomura (US 6,023,655), which discloses linking of stored files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

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## RER

R. E. Hooley